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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,052	09/08/2008	Kambiz Shekdar	002298-0003-101	5470
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Ropes & Gray LLP Patent Docketing 39/361 1211 Avenue of the Americas New York, NY 10036-8704				
EXAMINER				
STEELE, AMBER D				
ART UNIT		PAPER NUMBER		
1654				
NOTIFICATION DATE		DELIVERY MODE		
02/17/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatentMail@ropesgray.com
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Advisory Action Continued

The amendment filed February 8, 2012 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because of the following:

- a. The proposed amendment requires further consideration and/or search (e.g. the new limitation “in a single application...exhibit at least one selected level of fluorescence at a selected wavelength” of claims 19 and 121).
- b. The proposed amendment may necessitate the modification of outstanding rejection(s) to address the new limitation.
- c. The proposed amendment may necessitate the raising of new prior art rejections.
- d. The proposed amendment may necessitate the raising of new 112 issues (i.e. applicants point to paragraphs 131, 140, and 144 which read “The method of paragraph 67, wherein the test RNA sequence is from an expression library”, “The isolated cells obtained from the method of any one of paragraphs 1, 3, 5, 7, 9, 13, 18, 21, 39, and 53 wherein the cells are applied in a cell-based assay”, and “The method of paragraph 77, wherein said preselected protein is an alternatively spliced form of a gene product” which do not provide support for the new limitations of claims 19 and 121 of “in a single application...exhibit at least one selected level of fluorescence at a selected wavelength”).
- e. There is no convincing evidence under 37 CFR 1.116(b) why the proposed amendment was not earlier presented.

f. Applicants arguments of the prior art of record are moot since the arguments are based on the proposed amendments that have not been entered.

g. For all the reasons above, the amendment does not place the application in better condition for allowance and/or appeal.

h. All prior response to arguments are hereby incorporated by reference. The TD filed February 8, 2012 has not been processed and/or approved by the USPTO as of the mailing date of the present action. Applicants will be informed of the status of the TD and ODP rejection in the next Office communication (applicants may also wish to check PAIR). The comments regarding the priority and shRNA have been considered by the examiner and accepted.

Future Communications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber D. Steele whose telephone number is (571)272-5538. The examiner can normally be reached on Monday through Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amber D. Steele/
Primary Examiner, Art Unit 1654